

20 Op. Atty. Gen. 590

State Dept. declassification & release instructions on file

CRIMES IN FOREIGN COUNTRIES.

No Federal court has jurisdiction to try persons whether or not claiming to be American citizens for crimes committed in foreign countries. There are not common law offenses against the United States.

DEPARTMENT OF JUSTICE,
May 8, 1893

FOIAB6 SIR: I am in receipt of your communication of March 17, in relation to the case of [REDACTED]

FOIAB6 I am informed that said [REDACTED] claiming to be a citizen of the United States, is charged with murdering a native upon land in one of the New Hebrides Islands; that said islands are under the domain of no civilized power, except that Great Britain exercises some jurisdiction over them through a high commissioner, who, however, declines to exercise jurisdiction over this case; and that the islands are not within the jurisdiction of any consular officer of this Government.

STAT My official opinion is asked as to whether any Federal court would have jurisdiction to try [REDACTED] upon this charge if he should be brought before it under section 730 of the Revised Statutes, which provides that --

"The trial of all offenses committed upon the high seas OR ELSEWHERE out of the jurisdiction of any particular State or district shall be in the district where the offender is found, or into which he is first brought."

But the word "offenses" means "offenses against the United States." There are no common law offenses against the United States and Congress has not placed wrongs done upon foreign soil in this category.

I am obliged to answer the question in the negative.

Very respectfully,

RICHARD BLNEY.

The SECRETARY OF STATE.